



AGENDA ITEM: 2b

DISCUSSION ITEM TITLE:

## Deputy Gangs within the Los Angeles County Sheriff's Department

### EXECUTIVE SUMMARY:

For more than forty years,<sup>1</sup> groups of Los Angeles County Sheriff's Department (LASD) deputies have organized themselves into secret gangs, some of which have allegedly committed illegal acts or violated departmental policy.<sup>2</sup> Although LASD has acknowledged that these groups exist,<sup>3</sup> the scope of their activities and number of members within LASD remain unclear. To better understand this issue, Los Angeles County Counsel commissioned the RAND Corporation (RAND) to conduct an independent study on deputy gangs to help the County and LASD learn more about how gangs have affected community perceptions and trust. The study evaluated how gangs are formed, why they exist, and what actions may be taken to address them. Based on the RAND Report's findings, staff recommends that the Commission strongly advocate that LASD immediately implement the Commission's *Proposed Policy Prohibiting Deputy Cliques*,<sup>4</sup> which specifically bars membership in deputy gangs.

### BACKGROUND:

Over the decades, several reports have addressed deputy gangs in LASD, including the 1992 Kolts Report,<sup>5</sup> the 2011 Office of Independent Review Report<sup>6</sup> and the 2012 Report of the Citizens' Commission on Jail Violence.<sup>7</sup> Loyola Law School's Center for Juvenile Law and Policy published their report "50 Years of Deputy Gangs in the Los Angeles County Sheriff's Department"<sup>8</sup> in January 2021 and presented their findings at the April 15, 2021 Commission

<sup>1</sup> RAND Corporation Study. Retrieved at <http://file.lacounty.gov/SDSInter/bos/supdocs/161722.pdf> pg. 1

<sup>2</sup> Subgroups, groups, deputy gangs and cliques are often used interchangeably. For purposes of this report, these groups will be referred to as "deputy gangs." Penal code definition of gangs: California Code, Penal Code - PEN § 186.22. Retrieved from <https://codes.findlaw.com/ca/penal-code/pen-sect-186-22.html>

<sup>3</sup> Los Angeles County Sheriff Alex Villanueva Announces a Zero Tolerance Policy on Deputy Cliques/Subgroups Engaging in Misconduct. Retrieved from <https://lasd.org/sheriff-announces-zero-tolerance-dep-clique/>

<sup>4</sup> "Civilian Oversight Commission's Proposed Policy Prohibiting Deputy Cliques," retrieved from: [http://file.lacounty.gov/SDSInter/bos/supdocs/COC\\_sProposedPolicyandPreambleRegardingDeputyCliquesApproved4-15-21.pdf](http://file.lacounty.gov/SDSInter/bos/supdocs/COC_sProposedPolicyandPreambleRegardingDeputyCliquesApproved4-15-21.pdf)

<sup>5</sup> The Los Angeles County Sheriff's Department. A Report by Special Counsel James G. Kolts & Staff. July 1992. Retrieved from <https://www.clearinghouse.net/chDocs/public/PN-CA-0001-0023.pdf>

<sup>6</sup> Violence in the Los Angeles County Jails: A Report on Investigations and Outcomes by the Los Angeles County Office of Independent Review. October 2011. Retrieved from <https://oig.lacounty.gov/LinkClick.aspx?fileticket=Hwnx-ji2-VU%3d&portalid=18>

<sup>7</sup> Report of the Citizens' Commission on Jail Violence. September 2012. Retrieved from <https://ccjv.lacounty.gov/wp-content/uploads/2012/09/CCJV-Report.pdf>

<sup>8</sup> 50 Years of Deputy Gangs in the Los Angeles County Sheriff's Department: Identifying Root Causes and Effects to Advocate for Meaningful Reform. A Report by the Center for Juvenile Law & Policy. LMU Law School. January 2021. Retrieved from [http://file.lacounty.gov/SDSInter/bos/supdocs/CJLP\\_Report\\_LASD\\_Deputy\\_Gangs\\_012021.pdf](http://file.lacounty.gov/SDSInter/bos/supdocs/CJLP_Report_LASD_Deputy_Gangs_012021.pdf)

meeting.<sup>9</sup> Each report acknowledged gang like behavior among deputies that negatively impacted the mission of LASD. “The existence of subgroups is also reflected in the roughly \$55 million in subgroup related judgments against Los Angeles County since 1990—\$21 million of this between 2010 and 2020—and in the steps the county has taken to address the subgroups.”<sup>10</sup>

Los Angeles County’s Office of Inspector General has also published several reports on deputy gangs including the October 2020 Analysis of the Criminal Investigation of Alleged Assault by Banditos.<sup>11</sup> In September 2018, reported members of the Banditos deputy gang allegedly attacked several other deputies who were not part of the group following an off-duty party for deputies at the East Los Angeles station. The Inspector General report found that witnesses stated they were assaulted, “Yet the Sheriff’s Department’s criminal investigation of the Kennedy Hall incident maintained the Code of Silence which has protected deputy secret societies for decades.”<sup>12</sup> Over the years, other Inspector General reports have acknowledged deputy gangs as well.<sup>1314151617</sup>

On March 12, 2019, the Los Angeles County Board of Supervisors (Board) directed the Inspector General, the Sheriff Civilian Oversight Commission (Commission), County Counsel and other stakeholders to complete a comprehensive study of secret gangs. On June 5, 2019, County Counsel contracted with RAND to conduct the study. RAND submitted the final report to the Board on September 10, 2021 and made a presentation at the September 28, 2021 Board meeting.

In addition to providing evidence of the continued existence of deputy gangs, the RAND Report offered insight into their impact within and outside of LASD and the institutional hurdles that prevent LASD from addressing deputy gangs. RAND’s research found that several deputy gangs were still actively adding members at the time of RAND’s interviews<sup>18</sup> and that 37 percent

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<sup>9</sup> Presentation by Loyola Law School: Report on LASD Deputy Gangs to the L.A. County Sheriff Civilian Oversight Commission. April 15, 2021. Retrieved from <http://file.lacounty.gov/SDSInter/bos/supdocs/LoyolaLawSchool-DeputyGangReportpresentation4.15.2021.pdf>.

<sup>10</sup> RAND Corporation Study. Retrieved at <http://file.lacounty.gov/SDSInter/bos/supdocs/161722.pdf> pg. xi

<sup>11</sup> Los Angeles County Office of Inspector General. Analysis of the Criminal Investigation of Alleged Assault by Banditos. October 2020.

Retrieved from [https://oig.lacounty.gov/Portals/OIG/Reports/Review\\_Banditos\\_Investigation.pdf?ver=rForJ7O-WQGg4SYeyOVDEw%3d%3d](https://oig.lacounty.gov/Portals/OIG/Reports/Review_Banditos_Investigation.pdf?ver=rForJ7O-WQGg4SYeyOVDEw%3d%3d)

<sup>12</sup> L.A. County Office of Inspector General. Analysis of the Criminal Investigation of Alleged Assault by Banditos. October 2020. Retrieved from [https://oig.lacounty.gov/Portals/OIG/Reports/Review\\_Banditos\\_Investigation.pdf?ver=rForJ7O-WQGg4SYeyOVDEw%3d%3d](https://oig.lacounty.gov/Portals/OIG/Reports/Review_Banditos_Investigation.pdf?ver=rForJ7O-WQGg4SYeyOVDEw%3d%3d) pg 1

<sup>13</sup> L.A. County Office of Inspector General. First Status Report: The Los Angeles Sheriff’s Department Implementation of The Citizens’ Commission on Jail Violence Recommendations and Monitoring Plan. October 21, 2014. Retrieved from:

<https://oig.lacounty.gov/Portals/OIG/Reports/Oct%2021%2014%20OIG%20CCJV%20Implementation%20Report.pdf>

<sup>14</sup> L.A. County Office of Inspector General. Report-Back on the Status of the Study of Secret Deputy Subgroups including the Cooperation of the Sheriff. June 26, 2019. Retrieved from <https://oig.lacounty.gov/Portals/OIG/Reports/2019-00092%20Secret%20Subgroups%20or%20Societies-Secret%20Subgroups.pdf?ver=2019-07-03-081155-170>

<sup>15</sup> L.A. County Office of Inspector General. Report Back on Unlawful Conduct of the Los Angeles County Sheriff’s Department. December 14, 2020. Retrieved from [https://oig.lacounty.gov/Portals/OIG/Reports/UnlawfulConductOfLASD.pdf?ver=m\\_s7zzyvXR6DSbMsR9AEw%3d%3d](https://oig.lacounty.gov/Portals/OIG/Reports/UnlawfulConductOfLASD.pdf?ver=m_s7zzyvXR6DSbMsR9AEw%3d%3d)

<sup>16</sup> L.A. County Office of Inspector General. Los Angeles County Sheriff’s Department: Review and ANALYSIS OF Misconduct Investigations and Disciplinary Process. February 2021. Retrieved from [https://oig.lacounty.gov/Portals/OIG/Reports/IIPublicReport\\_Body2.pdf?ver=qMyIxzKcy\\_EwrtHn0JWwOw%3d%3d](https://oig.lacounty.gov/Portals/OIG/Reports/IIPublicReport_Body2.pdf?ver=qMyIxzKcy_EwrtHn0JWwOw%3d%3d)

<sup>17</sup> L.A. County Office of Inspector General. Fact Check of Statements by Sheriff Villanueva in the Los Angeles Times Podcast: What’s Up with Los Angeles Sheriff Alex Villanueva. August 31, 2021. Retrieved from <https://oig.lacounty.gov/Portals/OIG/Reports/Letter%20to%20COC%20Re%20Fact%20Check%20of%20Statements%20by%20Sheriff%20Villanueva%20in%20the%20LA%20Times%20Podcast%20-%20What%20Up%20with%20Los%20Angeles%20Sheriff%20Alex%20Villanueva.pdf>

<sup>18</sup> Ibid. pg. xi

of deputies support prohibiting them.<sup>19</sup> The RAND Report also discovered that some deputies believe that deputy gang membership glorified and rewarded unnecessary violence, including getting involved in physical fights with individuals in custody rather than deescalating.<sup>20</sup>

According to the RAND Report, the reported misconduct of deputy gang members includes “intimidating or harassing fellow deputies, not following protocols with respect to writing reports, planting evidence, bending the rules or cutting corners to justify aggressive policing, cutting corners on reporting, not providing sufficient backup when calls are made, and excessive or unnecessary use of force.”<sup>21</sup> Further, the RAND Report cited a long-standing failure to discipline deputies for various forms of misconduct against the public and other deputies as one of the institutional failings that permits deputy gangs to take hold. It also found that attempts to impose discipline were undermined by established deputy gangs, such that “supervisor[s] who try to clamp down on potential foul play among deputies faced animosity and pushback.”<sup>22</sup>

The RAND Report found that “challenges associated with subgroups sit within a broader organizational context that involves general challenges with supervision, training, discipline, and other department characteristics, such as fragmentation and the traditions that surround subgroups. This is particularly challenging in an organization as large and complex as LASD.”<sup>23</sup> The RAND Report also recognized the need to address “more general misconduct” extending beyond activities that can be directly attributed to deputy gangs.<sup>24</sup> There is an urgent need for more significant structural change to address the underlying issues that have created the conditions that allowed deputy gangs to flourish unchecked for decades.

At the September 28, 2021 Board meeting, the Supervisors approved a motion<sup>25</sup> entitled “Measures to Eradicate Deputy Gangs and Create Stronger Civilian Oversight and Checks and Balances over the Sheriff and Sheriff’s Department,” authored by Supervisors Hilda Solis and Holly Mitchell. This motion directs the Commission to review the RAND Report and other reports related to deputy gangs, solicit public input, and report back with a tangible implementation plan for the Board’s consideration. This directive will be accomplished in consultation with the offices

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<sup>19</sup> RAND Corporation Study. Retrieved at <http://file.lacounty.gov/SDSInter/bos/supdocs/161722.pdf> pg. 165

<sup>20</sup> Ibid. pg. 101

<sup>21</sup> Ibid. pg. 115

<sup>22</sup> Ibid. pg. 137

<sup>23</sup> Ibid. pg. 114

<sup>24</sup> Comprehensive Study of Secret Sheriff’s Deputy Subgroups. September 10, 2021.

<http://file.lacounty.gov/SDSInter/bos/supdocs/161722.pdf> (page 168)

<sup>25</sup> Measures to Eradicate Deputy Gangs and Create Stronger Civilian Oversight and Checks and Balances over the Sheriff and Sheriff’s Department motion by Supervisors Hilda Solis and Holly Mitchell. September 28, 2021.

<http://file.lacounty.gov/SDSInter/bos/supdocs/162339.pdf>.

of the Inspector General, District Attorney, Public Defender, Alternate Public Defender, County Counsel and LASD.

At the October 21, 2021 Commission meeting, the Deputy Cliques Ad Hoc Committee Chair, Lael Rubin, provided an update on the work the committee is doing to complete the Board's directive. She also asked the public to provide input by visiting the online form, where individuals can submit anonymous feedback about deputy gangs and the RAND Report. The Commission believes that it is important to provide a platform, outside of the regular Commission meetings, for community members to share their experiences and to provide input on solutions. In addition to receiving written public comment, the committee has also scheduled a virtual town hall to hear community feedback on deputy gangs and the RAND Report on Thursday, December 9, 2021 from 6:00-8:00 p.m.

#### **RECOMMENDATION/CONCLUSION:**

The Commission repeatedly has expressed concerns about gangs in LASD, calling it a "significant problem." LASD's adopted policy (MPP 3-01/050.83) does not explicitly prohibit joining a deputy gang.<sup>26</sup> The policy does not require LASD to identify groups that violate its terms and does not require cooperation with outside investigators such as the Inspector General or the California Attorney General. Based on the inadequacies of MPP 3-01/050.83 and the RAND Report's findings, staff recommends that the Commission strongly advocate that LASD immediately implement the Commission's Proposed Policy Prohibiting Deputy Cliques,<sup>27</sup> which specifically bars membership in deputy gangs.

#### **Guest Speakers:**

- John E. Sweeney, Attorney, The Sweeney Firm
- Dr. Samuel Peterson, RAND Corporation
- Dionne Barnes-Proby, RAND Corporation
- Max Huntsman, Office of Inspector General
- Sean Kennedy, Director Center for Juvenile Law & Policy
- Melanie Ochoa, Attorney, ACLU Director of Policy and Practices

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<sup>26</sup> Deputy Cliques and Subgroups Policy: Sheriff Alex Villanueva Addresses Policy on Deputy Cliques and Subgroups with Department Members. January 29, 2021. Retrieved from <https://lasd.org/deputy-clicks-and-subgroups/>

<sup>27</sup> "Civilian Oversight Commission's Proposed Policy Prohibiting Deputy Cliques," retrieved from: [http://file.lacounty.gov/SDSInter/bos/supdocs/COC\\_sProposedPolicyandPreambleRegardingDeputyCliquesApproved4-15-21.pdf](http://file.lacounty.gov/SDSInter/bos/supdocs/COC_sProposedPolicyandPreambleRegardingDeputyCliquesApproved4-15-21.pdf)

# **CIVILIAN OVERSIGHT COMMISSION'S PROPOSED POLICY PROHIBITING DEPUTY CLIQUES**

## **PREAMBLE TO PROPOSED POLICY**

*The policy set forth below is based on the following factual findings:*

*The existence of deputy cliques within the Los Angeles Sheriff's Department (LASD) dates back at least to 1971 and continues to the present. Deputy cliques are groups of Sheriff's deputies, assigned to a particular LASD patrol station or unit, who self-associate, self-identify and exclude other deputies assigned to the same station or unit, and thus are a subgroup within a particular station or unit. The deputy cliques identify themselves by name, e.g., the Banditos, the Executioners, the Regulators, the Grim Reapers, the Rattlesnakes, the Cowboys, etc., and often their members have common or matching tattoos or use hand signals, and engage in other rituals similar to street gangs.*

*The existence of deputy cliques within the LASD for the past fifty years has created myriad internal and external problems. Internally, the deputy cliques hurt morale within the LASD and create a shadow-system of supervision and leadership in conflict with each station's actual supervision and chain of command. Externally, the deputy cliques foster an "us-against-them culture" that leads to frequent and excessive uses of force, dishonesty, racial profiling, and the enforcement of a code of silence. The totality of deputy clique misconduct has eroded trust and mutual respect between the LASD and the communities they are supposed to serve.*

*The more notorious deputy cliques—such as the Vikings, the Wayside Whites, the Regulators, the 2000 Boys, 3000 Boys, the Jump Out Boys, the Posse, the Grim Reapers, the Banditos, and the Executioners—have generated scandals that cast the Department in a negative light and lawsuits that ultimately cost the County millions of dollars in settlements and judgments. The Los Angeles County Counsel has estimated that the clique-related misconduct and uses of force have cost the taxpayers at least \$55 million in settlements. The actual settlement costs are likely much higher than this because LASD leadership has refused to investigate whether any deputy involved in a shooting is affiliated with a deputy clique.*

*For decades, independent oversight bodies and commissions have identified deputy cliques as a serious problem within the LASD and recommended that the leadership take affirmative action to eradicate deputy cliques.*

*In 1992, the Kolts Commission investigated use-of-force problems associated with patrol deputy cliques, such as the Vikings, and concluded that some members “appeared at least in times past to have engaged in behavior that is brutal and intolerable and is typically associated with street gangs.” (Kolts Report at 323.) The Kolts Commission recommended that LASD officials “conduct an immediate, thorough Internal Affairs investigation to root out, and punish severely any lingering gang-like behavior by its deputies.” (Id. at 332.) The LASD leadership declined to implement this recommendation.*

*In 1999, the United States Commission on Civil Rights released a report on use of force and police misconduct in Los Angeles, which addressed deputy cliques within the LASD. (Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination: Vol. V the Los Angeles Report.) The Commission stated, “Serious allegations persist that groups of deputies have formed associations that harass and brutalize minority residents.” (Id. at 220). While the Sheriff had testified at one of the hearings that the LASD had no cliques, the Commission noted that he had recently acknowledged the existence of “an organized vigilante group of LASD employees” called the Posse that assaulted mentally ill inmates in their custody. (Id.) The Commission recommended, “The LASD should initiate a careful investigation into allegations of other deputy gangs,” and urged the United States Department of Justice to open an investigation, as well. (Id.)*

*In 2012, the Citizens Commission on Jail Violence (CCJV) investigated use-of-force problems associated with custody deputy cliques, such as the 2000 Boys and the 3000 Boys. Like the Kolts Commission, the CCJV concluded that “the Department has a long history of deputy cliques” and that “these subcultures within the Department contributed to acts of insubordination, aggressive behavior, and excessive force in the jails for many years.” (CCJV Report at 101.) The CCJV warned, “Cliques of deputies that resist or undermine supervision, violate Department policies, exert negative influences over deputies, use frequent and excessive force against inmates, and engage in violent behavior against members of the public and other deputies represent threats to the very integrity, ethics, and mission of the Department.” (Id. at 104.) The CCJV recommended that*

*“Department leaders should actively discourage membership in deputy cliques and avoid promoting or condoning a culture of allegiance to a subpart of the Department.” (Id. at 115.)*

*Despite these prior findings and recommended reforms, deputy cliques within the LASD have persisted. For example, a relatively new deputy clique, the Banditos, has emerged at the East Los Angeles station. Several female deputies have alleged they were pressured to provide sexual favors to Banditos in order to remain working at the station. At a September 18, 2018 off-training party, several Banditos severely beat new deputies whom they didn’t want to work with at the East Los Angeles station. The Office of Inspector General (OIG) found that that the LASD internal investigation of the incident deliberately ignored the assailants’ clique-affiliation as a motive for the assaults. The OIG concluded, “Substantial evidence exists to support the conclusion that the Banditos are gang-like and their influence has resulted in favoritism, sexism, racism, and violence.” (OIG, Analysis of the Criminal Investigation of Alleged Assault by Banditos (Oct. 2020) at 29.)*

*Another new clique, the Executioners, has emerged at the Compton station. According to a recent whistleblower lawsuit filed by a Compton deputy, the Executioners exclude African Americans and women, and assault and retaliate against other deputies who challenge their authority at the station. “Prospects” who want to join the Executioners allegedly “chase ink” (i.e., seek to obtain permission to get an Executioners tattoo) by shooting somebody to prove that they are worthy of wearing their tattoo. The whistleblower has testified that the two deputies involved in the fatal shooting of Andres Guardado were prospects seeking to join the Executioners at the time of the shooting.*

*While some of the historic deputy cliques are gone, there is evidence that a number of deputy cliques are still in existence. They include: the Banditos (East LA station),<sup>1</sup> the Cowboys (Lancaster Station),<sup>2</sup> the Executioners,<sup>3</sup> the Grim Reapers,<sup>4</sup> the Rattlesnakes (Palmdale and Lancaster stations),<sup>5</sup> and the Regulators (Century Station).<sup>6</sup>*

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<sup>1</sup> See 50 Years of Deputy Gangs in the Los Angeles County Sheriff’s Department, Loyola Law School, Jan. 2021, at pp. 4-7.

<sup>2</sup> Ibid., p. 10.

<sup>3</sup> Ibid., pp. 10-11.

<sup>4</sup> Ibid., p. 12.

<sup>5</sup> Ibid., p.18.

<sup>6</sup> Ibid., p. 18.

*Efforts short of an outright ban on participation in deputy cliques have been ineffective. For example, despite a new policy adopted by the Sheriff in February 2020, there has not been one instance in which a deputy has been disciplined for his participation in a deputy clique.*

*In view of the foregoing, the only effective way of eradicating deputy cliques is to adopt the policy below which clearly prohibits, henceforward,<sup>7</sup> participation in, joining, or soliciting others to join a deputy clique.*

## **MANUAL OF POLICY AND PROCEDURES**

### **3-01/ - Joining and Participation in Deputy Cliques is Prohibited**

Department personnel shall not participate in, join or solicit other Department personnel to join a deputy clique. A deputy clique is a group of Sheriff's deputies, assigned to a particular LASD station, unit or bureau, who self-associate, self-identify and exclude other deputies assigned to the same station or unit, and thus are a subgroup within a particular station or unit. Deputy cliques identify themselves by name, *e.g.*, the Banditos, the Executioners, the Regulators, the Grim Reapers, the Rattlesnakes, the Cowboys, etc., and often their members have common or matching tattoos or use hand signals, and/or engage in other rituals and behaviors similar to street gangs.

Any Department employee who participates in or joins a deputy clique, or solicits another employee to join a deputy clique, will be subject to discipline.<sup>8</sup>

Deputy cliques include but are not limited to the Banditos, the Executioners, the Regulators, the Grim Reapers, the Rattlesnakes, and the Cowboys and participation in or joining these deputy cliques is specifically prohibited.

This policy supersedes and replaces 3-01/050.83 of 2/14/2020

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<sup>7</sup> The Policy set forth below is not intended to be retroactive. However, an employee of the LASD who joins, participates in a deputy clique, or solicit another employee to join a deputy clique on or after the effective date on which this Policy is adopted is subject to discipline for violation of the Policy.

<sup>8</sup> The Table of Discipline must provide for this as a distinct MPP violation. The range discipline for violation of this policy should range from reprimand, involuntary re-assignment, to and including termination.